

**PHARMACY EXAMINING BOARD
MADISON, WI
MINUTES
June 19, 2003**

PRESENT: Michael Bettiga, R.Ph. (left at 1:37pm); John Bohlman, R.Ph.; Georgina Forbes, Dan Luce, R.Ph.; Charlotte Rasmussen, Susan Sutter, R.Ph.

EXCUSED: Cynthia Benning, R.Ph.

STAFF PRESENT: Tom Ryan, Bureau Director; William Black, Legal Counsel; Pamela Meicher, Program Assistant; DOE Staff

GUESTS: Franklin LaDien, R. Ph., Walgreen Co.; Nicole Peterson, PharmD student, Walgreen Co.; Shelley Raebel, Purdue Pharma; Gwen Bestemar, Women's International Pharmacy; Paul Baum, Group Health Cooperative; Mary Jo Jablonski, UW Health Pharmacy; Tom Engels, Pharmacy Society of Wisconsin; Rhett Koski, student UW School of Pharmacy

CALL TO ORDER

Susan Sutter, Chair, called the meeting to order at 9:04 a.m. A quorum of 6 members was present.

AGENDA

Amendments to agenda:

Note that page 56 & 57 are the same (K).
Response to the LRB-1270/1 memo (Informational item)

MOTION: Charlotte Rasmussen moved, seconded by Michael Bettiga, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 14, 2003

Corrections to minutes:

Page 2 – The Board expressed its preference for having Board meetings on Tuesdays .
Page 2 – Correct the variance request - Onyx Environmental Services, Inc. LLC motion:

MOTION: John Bohlman moved, seconded by Charlotte Rasmussen, to specify that Wis. Admin. Code § Phar 13.11 does not allow for a variance. However, Wis. Admin. Code § Phar 13.11 refers to storage generally under “appropriate” conditions. Therefore, with proviso represented, i.e., the drugs to be stored will be stored only while awaiting destruction, the Board determined that “appropriate” conditions would allow flexibility to not store the drugs under the same conditions as in the instance where they were to be intended for later human consumption. Motion carried unanimously.

Page 3 – Correct the Request for new pharmacy license – Family Health Center Pharmacy motion:

MOTION: John Bohlman moved, seconded by Dan Luce, to approve the variance request of Family Health Center Pharmacy and noted that no variance is required because no pharmacy application has been filed for the automated counting machine. Notification of its use was noted. Motion carried unanimously.

Page 5 – Correct the last sentence under EXECUTIVE ASSISTANT CHRIS KLEIN to read “At its June meeting the Board will discuss the need and use of a Board legislative liaison.”

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to approve the minutes of May 14, 2003 with corrections. Motion carried unanimously.

The Board has requested that any motion made by the Board in reference to a pharmacy include a license number and/or a city.

CLEARINGHOUSE RULE 01-075 – CENTRAL FILL – REVIEW AND APPROVAL FOR THE LEGISLATURE

William Black, legal counsel, discussed the changes made to the Administrative Rule relating to central fill. Mr. Black will also draft a letter explaining to the Legislature that this rule was sent to the Legislature, came back for Board adoption, but because of changes to Chapt. 146 issues, the new HIPPA rules that were underway and proposed DEA rules, the Board wanted to study the rule more. It has since made some changes. The Board is satisfied that the rule is HIPAA compliant and that it comports with Wis. Stat. Ch. 146.

MOTION: Michael Bettiga, seconded by Dan Luce, to resubmit Rule 01-075 relating to Central Fill, to the legislature with changes. Motion carried unanimously.

WIS. ADMIN. CODE § 6.04 (3) – PHARMACIST ABSENCE – REVIEW AND REVISION

Legal Counsel, William Black, reviewed the modifications made by the Board and will update the proposed rule. Section 6 (c) (2) will be deleted and changes will be made to the language in section 6 (c)(3) and (4).

WIS. ADMIN. CODE § 7.05 – RECORDS MAINTENANCE – REVIEW AND REVISION

Legal Counsel, William Black, reviewed the modifications made by the Board and suggested modifications from himself for clarity and consistency and will update the proposed rule. Mr.

Black will also compare the proposed rule with Federal Law with respect to the reverse side of the invalidated prescription. Mr. Black will present the modifications at a future meeting.

PRACTICE QUESTION – WIS. ADMN. CODE § PHAR 8.04 (2)

William Black, Legal Counsel led the discussion on the interpretation of Phar 8.04(2), which states that a “prescription order issued by a practitioner to obtain controlled substances for the purpose of general dispensing or administration to patients by the practitioner is not valid”. The Board reviewed the two interpretations submitted by Paul Baum, R.Ph. manager of Pharmacy Services, Group Health Cooperative HMO.

The Board decided that if a patient-specific prescription is given to an out patient pharmacy and the prescription is picked up by an agent of the patient such as a health care provider, for delivery to a patient in the health care facility, this activity would be acceptable practice.

PRACTICE QUESTION – DESIGNATION OF DOSAGE FORM BY PRESCRIBER

The Board discussed the practice question submitted by Nicole Tieman, R.Ph, to clarify whether a pharmacy can choose a dosage form, such as tablets or capsules, if it is not specified on the prescription. The Board decided that pharmacists can use their professional judgment for the dosage form as long as the drug is consistent and there is no difference in the dosage.

PRACTICE QUESTION – RN DISPENSING

The Board will send the practice question regarding scope of practice to the Board of Nursing since this is a nursing question.

REVIEW OF INPATIENT DISPENSING

The Board noted the correspondence to Mike Bushko, R. Ph., RN, Pharmacy Manager, pertaining to the transport of medicines from Saint Mary’s Hospital, Rhinelander to Sacred Heart Hospital, Tomahawk. The proposal is acceptable as submitted, either as the dispensing of patient specific prescription drugs, or for non specific bulk transfer, as distribution.

TEMPORARY VARIANCE REQUEST – AGNESIAN HEALTHCARE, INC., FOND DU LAC

The Board discussed the request from Craig W. Griffis, R.Ph., Director of Pharmacy, Agnesian HealthCare, Inc., requesting a pharmacy variance at the FDL County Expo Center in the event of a high casualty biological or chemical incident.

The Board would require more information and a scope statement would need to be written to cover the needs for this type of variance or others, such as a fire or some type of disaster recovery. Dan Luce will work on the language requirement information to cover such needs from small pox outbreaks to hurricanes, which would allow the pharmacist to take care of patients. The Board would require that all pharmacies present their policies and procedures to

the Board so they may be reviewed prior to approval. The Board would also like to review models that may currently be in place for Georgia, Florida and North Carolina.

A follow up letter will be drafted and sent to Agnesian HealthCare along with a pharmacy application and a request for their plan. A scope statement will be written and moved ahead by the department. This issue will be on the August agenda.

VARIANCE REQUEST (FOLLOW UP) – NEIGHBORCARE - MENOMONIE

After a brief discussion the Board determined that a letter should be sent to NeighborCare advising them that this request has been tabled. William Black, legal counsel will coordinate with DOE to ensure a letter goes out.

COMPLIANCE QUESTION (FOLLOW UP) – CALUMET MEDICAL CENTER, CHILTON

The Board decided to table the compliance question from Calumet Medical Center, pending review of further information. Areas of concerns include remote dispensing, delivery (definitions and supervision requirements) and labeling.

MOTION: John Bohlman moved, seconded by Dan Luce, to table the compliance question from Calumet Medical Center and request that a copy of their policies and procedures related to quality control and insurance be sent to the Board for review. Motion carried unanimously.

William Black will write a letter requesting that a copy of their policies and procedures related to quality control and insurance be sent to the Board for review.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to have a scope statement written to expand the Automated Dispensing System rules to allow for future technology to be regulated. Motion carried unanimously.

DISTRIBUTION APPLICATION – CARDINAL HEALTH 414, INC., WOODLAND HILLS, CA.

The Board reviewed the distributor application from Cardinal Health 414, Inc.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve the distributor application for Cardinal Health 414, Inc. Motion carried unanimously.

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION (DATCP) PRESCRIPTION DRUG COUNT VERIFICATIONS (FOLLOW UP)

Legal Counsel, William Black, met with representatives of DATCP to raise jurisdictional questions with respect to DATCP drug counts. The Board expressed a number of concerns regarding the verifications. A letter from DATCP addressing the Board's concerns has been requested.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

The Board briefly discussed Assembly Bill 355. Assembly Bill 355 will be a July agenda item.

Greg Raube, DOE discussed the upcoming inspection of pharmacies by investigators. DOE plans on training ten staff members to conduct inspections. The Board would like to see the inspections used as educational tools. Susan Sutter will advise Mr. Raube of a location that can be used for a training site.

PHARMACY BOARD LEGISLATIVE LIAISON – DISCUSSION

The Board discussed the need and use of Board member serving as a legislative liaison. It was decided that rather than appoint one Board member to track legislation that affects the Pharmacy Board, as had been done in the past, the Board would appoint Board members to act as legislative liaisons as needed and in a manner that leverages the expertise of individual Board members.

NABP NATIONAL MEETING RESOLUTIONS – DAN LUCE

Dan Luce reviewed resolutions that passed and failed at the annual NAPB meeting held in May, 2003.

CREDENTIALING TRANSITION – CATHY POND, DEANNA ZYCHOWSKI

Tabled until the July meeting due to staff illness.

CLOSED SESSION

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to adjourn to closed session pursuant to Wisconsin State statutes 19.85 (1) (a) (b) (f) and (g) to deliberate on stipulations, stays, request for modification of screening and supervised hours, authorization as pharmacist in charge and for opening and closing, withdrawal of request for license denial hearing, review of application, case status report and consulting with legal counsel. Motion carried by roll call vote: Michael Bettiga-yes, John Bohlman-yes, Georgina Forbes-yes, Dan Luce-yes, Charlotte Rasmussen-yes, Susan Sutter-yes.

Open session recessed at 12:10 p.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Charlotte Rasmussen moved, seconded by Georgina Forbes, to reconvene into Open Session at 2:03 p.m. Motion carried unanimously.

VOTING ON ITEMS DELIBERATED OR CONSIDERED IN CLOSED SESSION

REQUEST FOR THREE MONTH STAY

CORY FORD, R.PH.

MOTION: Charlotte Rasmussen moved, seconded by Dan Luce, to grant the request of Cory Ford, R.Ph., for a 3-month stay. Motion carried unanimously by those present.

GERALD JENNINGS, R.PH.

MOTION: John Bohlman moved, seconded by Charlotte Rasmussen, to grant the request of Gerald Jennings, R.Ph., for a 3-month stay. Motion carried unanimously by those present.

WILLIAM KARWOSKI, R.PH.

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to grant the request of William Karwoksi, R.Ph., for a 3-month stay, reduce his screenings to six times a month and his counseling sessions to weekly. Motion carried unanimously by those present.

RALPH KOCH, R.PH.

MOTION: Dan Luce moved, seconded by Georgina Forbes, to grant the request of Ralph Koch, R.Ph., for a 3-month stay. Motion carried unanimously by those present.

PAUL NELSON, R.PH.

MOTION: Georgina Forbes moved, seconded by Dan Luce, to grant the request of Paul Nelson, R.Ph., for a 3-month stay. Motion carried unanimously by those present.

MICHAEL O'KRAY, R.PH.

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to grant the request of Michael O'Kray, R.Ph., for a 3-month stay and reduce his screenings to six times a month. Motion carried unanimously by those present.

ANDREW RICE, R.PH.

MOTION: Dan Luce moved, seconded by Georgina Forbes, to grant the request of Andrew Rice, R.Ph., for a 3-month stay, authorize him as Pharmacist in charge for 8 hours per week and be allowed to open and/or close the pharmacy, but not consecutively. Motion carried unanimously by those present.

THOMAS TRISCARI, R.PH.

MOTION: John Bohlman moved, seconded by Charlotte Rasmussen, to grant the request of Thomas Triscari, R.Ph., for a 3-month stay and deny the modification of his order. Motion carried unanimously by those present.

CHARLENE WILLIS, R.PH.

MOTION: Charlotte Rasmussen moved, seconded by Georgina Forbes, to grant the request of Charlene Willis, R.Ph., for a 3-month stay and deny the modification of her order. Motion carried unanimously by those present.

WITHDRAWAL OF REQUEST FOR LICENSE DENIAL HEARING – KEITH SCHAR

MOTION: John Bohlman moved, seconded by Charlotte Rasmussen, to accept the withdrawal of the request for a license denial hearing from Keith Schar. Motion carried unanimously by those present.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT

02 PHM 089

MOTION: John Bohlman moved, seconded by Dan Luce, to close 02 PHM 089 as prosecutorial discretion (P1). Motion carried unanimously by those present

03 PHM 014

The Board requires more information before closing this case.

02 PHM 105

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to close 02 PHM 105 as prosecutorial discretion (P2). Motion carried unanimously by those present.

03 PHM 003

MOTION: Dan Luce moved, seconded by John Bohlman, to close 03 PHM 003 as prosecutorial discretion (P2). Motion carried unanimously by those present.

03 PHM 019

MOTION: Dan Luce moved, seconded by John Bohlman, to close 03 PHM 019 as prosecutorial discretion. Michael Bettiga abstained. Motion carried.

CONSULTING WITH LEGAL COUNSEL

Noted

NABP REVIEW OF MPJE QUESTIONS

The Board discussed the correspondence from Larry Klein, Technical Consultant to NABP on the reviewers of new questions for the MPJE program. Cynthia Benning, Michael Bettiga, Dan Luce and Susan Sutter will review the questions in the afternoon of the July 8, 2003 meeting.

NATIONAL ASSOCIATION OF CHAIN DRUG STORES (NACDS) CONFERENCE AND TRAVEL BUDGETING

The NACDS is holding the 2003 NACDS Pharmacy & Technology Conference August 23-27, 2003 at the Pennsylvania Convention Center in Philadelphia, PA.

Board members agreed that the two most important meetings members should attend are the District Four meeting and the National Association of Boards of Pharmacy annual meeting. Since voting takes place at these two meetings, the Board would like a Board member present to vote.

Board members asked the Department if they could attend more conferences in their capacity as Board members if all expenses were paid by the sponsoring organization. Tom Ryan, Bureau Director, advised the Board that he would review the request and report back to the Board.

USP REPROCESSING STANDARDS UPDATE – SUSAN SUTTER

Susan Sutter stated that she has requested an update of the USP Reprocessing Standards.

INFORMATIONAL ITEMS

Noted.

ADJOURNMENT

MOTION: Charlotte Rasmussen moved, seconded by Georgina Forbes, to adjourn the meeting at 2:47 p.m. Motion carried unanimously.

Next Meeting Wednesday, July 9, 2003